



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 28.03.2019

CORAM:

THE HONOURABLE MR.JUSTICE N.SESHASAYEE

CrI.O.P.[MD]No.4021 of 2019

WEB COPY

1.Wilson
2.Sivabalan
3.Vijayakumar
4.Amman @ Pauldhas
5.Yesudhasan
6.Viji
7.Visvanathan Asari @ Gandhi Asari
8.Ravi : Petitioners / Accused 2 to 5,
8 and 10 to 12

Vs.

1.The State Represented by
The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.
(Crime No.629 of 1997) : 1st Respondent / Complainant

2.Jeyakumari : 2nd Respondent / Defacto
Complainant

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C., to call for the records relating to the impugned charge sheet in **(*)C.C.No.344 of 2018**, on the file of the learned Judicial Magistrate **(**)No.II**, Padmanabhapuram, Kanyakumari District, quash the same as against the petitioners concerned.

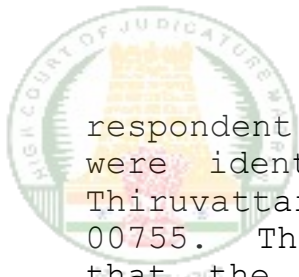
For Petitioners: Mr.K.Rajeshwaran
For R-1 : Mr.V.Neelakandan,
Additional Public Prosecutor.
For R-2 : Mr.B.Muneeswaran

ORDER

The Criminal Original Petition has been filed to quash the impugned charge sheet in **(*)C.C.No.344 of 2018**, on the file of the learned Judicial Magistrate **(**)No.II**, Padmanabhapuram, Kanyakumari District, for the alleged offences under Sections 147, 148, 452, 427 IPC r/w 149 IPC. The offences are chiefly private in nature.

2.The case is still in the stage of trial. By passage of time, the parties have decided to bury their hatchet and compromise the dispute amicably among themselves.

3.A Joint Memo of Compromise has been filed before this Court which have been signed by the petitioner and the second respondent and also by their respective counsel. The petitioners and the second



respondent were also present in person before this Court and they were identified by P.Samuvel, Special Sub-Inspector of Police, Thiruvattar Police Station, Kanyakumari District, Contact No.90034 00755. This Court also enquired both the parties and was satisfied that the parties have come to an amicable settlement between themselves.

4.Under such circumstances, no useful purpose will be served in keeping the proceedings pending, even though, the offences involved are not compoundable in nature. In the light of the guidelines given by the Hon'ble Supreme Court reported in **the State of Madhya Pradesh Vs. Laxmi Narayan & Others** [CDJ 2019 SC 264] and **Parbathbhai Aahir @ Parbathbhai Vs. State of Gujrath** [(2017) 9 SCC 641], this Court in exercise of its jurisdiction under Section 482 Cr.P.C. quashes the impugned charge sheet in **(*)C.C.No.344 of 2018**, on the file of the learned Judicial Magistrate~~(**)~~**No.II**, Padmanabhapuram, Kanyakumari District.

5.This Criminal Original Petition stands allowed and as a sequel, the impugned charge sheet in **(*)C.C.No.344 of 2018**, on the file of the learned Judicial Magistrate~~(**)~~**No.II**, Padmanabhapuram, Kanyakumari District, is quashed and the terms of Joint Memo of Compromise shall form part and parcel of this order. The petitioner shall pay a sum of Rs.500/-, each as costs, to the credit of the "District Siddha Medical Officer, CCRI, Periyakulam" (payable in Account No.10767823177, SBI, Periyakulam), within a period of one week from the date of receipt of a copy of this order and file a photocopy of the receipt along with a memo reporting compliance in the Registry.

Sd/-

Assistant Registrar(CS)

**Amended as per order dated
26.08.2019 made in CrI MP(MD) 6987/2019
in CrI.O.P(MD) No.4021/2019**

Sd/-

Assistant Registrar(CS-II)

/TRUE COPY/

Sub Assistant Registrar

Encl:Xerox copy of Joint compromise memo

To

To be substituted to the order already despatched on 11.05.2019

<https://hcservicecourts.gov.in/hcservice> The Judicial Magistrate No.II,
Padmanabhapuram,
Kanyakumari District.



2.The Inspector of Police,
Thiruvattar Police Station,
Kanyakumari District.

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

4.The District Siddha Medical Officer
CCRI, Periykulam

5.The Section Officer,-2 copies
Criminal Section,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.K.RAJESHWARAN, Advocate (SR-57865[F] dated
29/03/2019)

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Crl.O.P. [MD]No.4021 of 2019
28.03.2019

KM/(03.05.2019) 3P 9C
KM/13.09.2019 3P 8C